

Notice of Allowability

Application No.

09/899,467

Examiner

David A Reifsnnyder

Applicant(s)

ROMANYSZYN, MICHAEL T.

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1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on August 11, 2003 and Examiner's Interview of September 4, 2003.
2. ☒ The allowed claim(s) is/are 1-12 and 38-41 (re-numbered as 1-4, 6, 7, 5, 9, 10, 8, 11, 12 and 13-16, respectively).
3. ☒ The drawings filed on 05 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☒ including changes required by the proposed drawing correction filed 11 August 2003, which has been approved by the Examiner.
 - (c) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____. | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In The Title

The title has been changed to:

---Apparatus for treating fluids ---

In The Specification

On the first line of page 2 of the specification, directly above the BACKGROUND OF THE INVENTION, the following has been inserted.

---CROSS-REFERENCE TO RELATED APPLICATION

The present application claims the benefit of U.S. Provisional Patent Application Serial No. 60/216,444, filed July 6, 2000.---

Drawings

The drawings filed on July 5, 2001 are objected to because on September 4, 2003 the applicant's attorney, Christopher L. Makay stated that the drawings were **informal**. Furthermore, drawing sheet No. 4 needs to include the corrections proposed

by the applicant on August 11, 2003.

In response to this office action, **Formal Drawings are Required.**

Reasons for Allowance

The main reason for the allowance of all of the claims is the instantly claimed vortex nozzle, comprising: a nozzle body including a passageway therethrough and a plurality of ports that inlets a fluid flow substantially **tangential and normal** to the passageway.

The previous office action rejected the claims as being anticipated by Hlvaneke, because Hlvaneke disclosed inlet ports that are tangential to a passageway. The applicant states that for Hlvaneke to disclose that his inlet ports are **tangential** is improper. While that may or may not be true, the more important thing is what the applicant intends to mean by claiming a plurality of ports that inlets a fluid flow substantially **tangential and normal to the passageway.** It is well known that when defining terms the applicant is allowed to be his own **lexicographer.** The reason that the claims are allowable over the prior art of record and especially Hlvaneke is because of the applicant's definition of **tangential and normal to the passageway.** To clearly see how the instantly claimed "plurality of ports that inlets a fluid flow substantially **tangential and normal** to the passageway" limits the applicant's claims see the applicant's remarks filed on August 11, 2003. See especially the applicants representative figure 1 of the remarks as well as page 5, line 10 to page 6, line 7. Also see page 7 lines 1-19. Lastly, the applicants definition of a "plurality of ports that inlets

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a fluid flow substantially **tangential and normal** to the passageway" in his remarks filed August 11, 2003 is consistent with the **Detailed Description of the Preferred Embodiment Section** of the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Reifsnyder whose telephone number is 1-703-308-0456. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M Walker can be reached on 1-703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1-703-308-3601.


David A Reifsnyder
Primary Examiner
Art Unit 1723

DAR